

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**SHIRLEY SMITH,**

Plaintiff,

v.

**LOWE'S HOME CENTERS, INC. et al.,**

Defendants.

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Case No. 3:04cv0103

Judge Rice

**STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff Shirley Smith and Defendants Lowe's Home Centers, Inc. and Brandon Beach hereby stipulate and agree that this action, be, and the same hereby is, dismissed with prejudice, with each party to bear its own costs and attorney's fees.

/s/Don Brezine

Don Brezine (0018477)

Brezine Law Offices

188 West Hebble Ave.

Fairborn, Ohio 45324

Telephone: 937.879.2261

Facsimile: 937.879.4267

Email: [hebblelaw@aol.com](mailto:hebblelaw@aol.com)

Attorney for Plaintiff

Shirley Smith

/s/ David A. Kadela

David A. Kadela (0036863)

Littler Mendelson, P.C.

Fifth Third Center

21 East State Street, Suite 1600

Columbus, Ohio 43215

Telephone: 614.463.4201

Facsimile: 614.221.3301

Email: [dkadela@littler.com](mailto:dkadela@littler.com)

Attorney for Defendants

Lowe's Home Centers, Inc.

and Brandon Beach

**CERTIFICATE OF SERVICE**

It is hereby certified that the forgoing has been filed via the electronic filing system on September 6, 2006. Notice of filing will be performed by the Court's electronic filing system, and Parties may access the document through the electronic filing system.

/s/ David A. Kadela

David A. Kadela

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